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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,484

12/10/2004

Ronny Herbertsson

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09/18/2007

WRB-IP LLP

1217 KING STREET

ALEXANDRIA, VA 22314

EXAMINER

WENDELL, MARK R

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

09/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,484

Applicant(s)

HERBERTSSON, RONNY

Examiner

Mark R. Wendell

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20041210.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "19" has been used to designate both a snap catch and a spring. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 3, line 34, the word "vertically" should be replaced with "vertical."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13-26

Claims ~~13-21, 23-26~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls (US 5364076) in view of Schlack et al. (US 5974842). Regarding claim 13, Nicholls illustrates in Figure 2 a system for screening off an area, a partition element (4) substantially covering a space between two upstanding carrier elements (6), the partition element being catchable in the carrier elements in an unstable preparatory position in which it lacks the ability to remain by its own force, and is movable therefrom to a fixedly locked position in the carrier elements. However, Nicholls does not teach the following which is illustrated in Figure 10 of Schlack: locking means (150) each with their guide section (100) for interlocking engagement with each respective carrier element, in the fixedly locked position or vice versa, and each with its snap catch (116) for retaining, on the one hand, the guide section in its position and, on the other hand, the partition element in the fixedly locked position in the carrier elements. It would have been obvious to one having ordinary skill in the art to modify the partition element of Nicholls with the latch of Schlack in order to better lock the partition in place and for better protection against corrosion.

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Regarding claim 14, Nicholls illustrates in Figure 2 the system as claimed in Claim 13, wherein the partition element (4) includes two pins (26) which are catchable in a groove (32) in each respective carrier element (6) or vice versa, in the preparatory position.

Regarding claim 15, Nicholls illustrates in Figure 2 the system as claimed in Claim 14, wherein the groove (32) is undercut and the associated pin (22) displays complementary configuration.

Regarding claim 16, Nicholls illustrates in Figure 2 the system as claimed in Claim 14, wherein the groove (32) inclines obliquely downwards so that the pins are retained therein in the fixedly locked position in the carrier elements. The examiner also notes that it is well known within the art of building construction to design grooves in an angled downward fashion in order to help lock the pin in place against ordinary forces.

Regarding claim 17, Nicholls illustrates in Figure 2 the system as claimed in Claim 16, wherein the groove (32) is undercut and the associated pin (22) displays complementary configuration.

Regarding claim 18, Nicholls illustrates in Figure 2 the system as claimed in Claim 16, wherein the depth of the groove (32) is greater than the diameter of the pins (22), so that these are reliably retained in each respective groove in the fixedly locked position.

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Regarding claim 19, Schlack discloses in Figure 10 and column 5, lines 2-5 the system as claimed in Claim 13, wherein the snap catch (116) includes a spring element (130) which is actuable by an actuator device (hex wrench or screw driver) for releasing the locking means.

Regarding claims 20-22, Schlack discloses in Figure 10 and column 5, lines 2-5 the snap catch (116) includes a spring element (130) which is actuable by an actuator device (hex wrench or screw driver) for releasing the locking means. It is well known in the art to have an actuator disposed substantially inside and outside the locking means while engaging or disengaging the actuator. Regarding claim 22, it is well known and would have been obvious to one of ordinary skill in the art at the time of invention to dispose the actuator in the carrier element for protective purposes and easy access.

Regarding claims 23-26, the method steps are rendered obvious given the structure of Nicholls as modified by Schlack. In specific, Figure 2 of Nicholls illustrates mounting and dismounting of the partition element on two upstanding carrier elements, where the partition element is hooked in the carrier elements in a temporary, unstable preparatory position and is thereafter either moved to a stable, mounted position in the carrier elements or is reopened completely, wherein the partition element is locked in the mounted position when it is pressed beyond the unstable preparatory position. Column 5, lines 2-5 of Schlack disclose using a special tool for engaging or disengaging the actuator.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cacicedo (US 5372354) teaches a fence structure removable via pins from the carrier element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3609

MRW
September 5, 2007